

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Julian Phillips	Team: Squad #5	CCRB Case #: 201908261	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Monday, 09/16/2019 8:11 PM, Monday, 09/16/2019 8:42 PM, Monday, 09/16/2019 11:01 PM	Location of Incident: § 87(2)(b) § 87(2)(b) 41st Precinct stationhouse	Precinct: 41	18 Mo. SOL 3/16/2021	EO SOL 10/31/2021	
Date/Time CV Reported Wed, 09/18/2019 2:43 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 09/18/2019 2:43 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. POM Romeo Poliard	17518	962021	041 PCT
3. POM Jean Germosen	05117	963537	041 PCT
4. POM Paul Cruz	09838	965018	041 PCT
5. POM Minator Kryeziu	22590	962535	041 PCT
6. SGT Avlon Beazer	01298	929696	041 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Edili Ramirez	15171	962041	041 PCT
2. POF Aine Reynolds	23718	963229	041 PCT
3. POM Christian Sanchez	09107	962084	041 PCT
4. POM Cristian Hernandez	03152	961813	041 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers entered § 87(2)(b) in the Bronx.	§ 87(2)(b)
B. Officers	Force: At § 87(2)(b) in the Bronx, officers used physical force against § 87(2)(b)	§ 87(2)(b)
C. Officers	Discourtesy: At § 87(2)(b) in the Bronx, officers acted discourteously toward § 87(2)(b)	§ 87(2)(b)
D. POM Romeo Poliard	Abuse: At § 87(2)(b) in the Bronx, Police Officer Romeo Poliard forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
E.POM Jean Germosen	Abuse: At § 87(2)(b) in the Bronx, Police Officer Jean Germosen forcibly removed § 87(2)(b) to the hospital.	
F.POM Paul Cruz	Discourtesy: At § 87(2)(b) in the Bronx, Police Officer Paul Cruz spoke discourteously to § 87(2)(b)	
G.POM Paul Cruz	Force: At § 87(2)(b) in the Bronx, Police Officer Paul Cruz used physical force against § 87(2)(b)	
H.POM Romeo Poliard	Force: At § 87(2)(b) in the Bronx, Police Officer Romeo Poliard used physical force against § 87(2)(b)	
I.POM Jean Germosen	Force: At § 87(2)(b) in the Bronx, Police Officer Jean Germosen used physical force against § 87(2)(b)	
J.POM Minator Kryeziu	Force: At § 87(2)(b) in the Bronx, Police Officer Minator Kryeziu used physical force against § 87(2)(b)	
K.SGT Avlon Beazer	Abuse: At the 41st Precinct stationhouse, Sergeant Avlon Beazer did not process § 87(2)(b)'s complaint regarding officers.	

Case Summary

On September 18, 2019, § 87(2)(b) filed this complaint on the CCRB website.

On September 16, 2019, at approximately 8:11 p.m., numerous officers from the 41st Precinct entered § 87(2)(b) in response to a 911 call placed by § 87(2)(b) requesting assistance for her son, § 87(2)(b) (**Allegation A: Abuse of Authority**, § 87(2)(g)). Officers pushed § 87(2)(b) to the floor in order to handcuff him (**Allegation B: Force**, § 87(2)(g)). Officers escorted § 87(2)(b) out of the apartment in his underwear and placed him in a police vehicle (**Allegation C: Discourtesy**, § 87(2)(g)). Police Officers Jean Germosen and Romeo Poliard of the 41st Precinct transported § 87(2)(b) to § 87(2)(b) for a psychiatric evaluation (**Allegations D-E: Abuse of Authority**, § 87(2)(g)). On the street, PO Cruz allegedly said to § 87(2)(b) “Get the fuck on the sidewalk” (**Allegation F: Discourtesy**, § 87(2)(g)). At the hospital, PO Germosen and PO Poliard, as well as Police Officers Paul Cruz and Minator Kryeziu of the 41st Precinct, allegedly lifted § 87(2)(b) up and dropped him onto the floor, causing injury (**Allegations G-J: Force**, § 87(2)(g)). § 87(2)(b) went to the 41st Precinct stationhouse, where Sergeant Avlon Beazer allegedly refused to process her complaint about the incident (**Allegation K: Abuse of Authority**, § 87(2)(g)).

The investigation obtained BWC footage of much of this incident (**Board Review 01-09**), as well as CCTV footage of the incident at the stationhouse (**Board Review 10**). All references to video evidence below refer to the time-stamp in the video player, and not to any on-screen clock embedded in the footage itself.

Findings and Recommendations

Allegation (A) Abuse of Authority: Officers entered § 87(2)(b) in the Bronx.

Allegation (B) Force: At § 87(2)(b) in the Bronx, officers used physical force against § 87(2)(b).

Allegation (C) Discourtesy: At § 87(2)(b) in the Bronx, officers acted discourteously toward § 87(2)(b).

It is undisputed that § 87(2)(b) called 911 and stated that she needed assistance because § 87(2)(b) was “going crazy,” that § 87(2)(b) invited the officers into her apartment, and that officers handcuffed § 87(2)(b) and escorted him outside dressed only in his underwear.

§ 87(2)(b) testified (**Board Review 11**) that she invited the officers inside the apartment and told them that she was dealing with a situation with her son. § 87(2)(b) was inside the apartment in a bedroom, dressed only in his underwear, and had knocked over furniture and thrown liquid and clothing onto the floor. After speaking to the officers, § 87(2)(b) and other civilians inside the apartment asked the officers to exit because § 87(2)(b) had calmed down and the officers were escalating the situation. § 87(2)(b) exited the bedroom and approached § 87(2)(b). Officers pushed § 87(2)(b) to the floor, handcuffed him, and immediately escorted him out of the apartment, despite § 87(2)(b) complaining that he was not dressed.

§ 87(2)(b)'s testimony (**Board Review 12**) was largely consistent with that of § 87(2)(b) although he denied being intoxicated and knocking over furniture.

§ 87(2)(b)'s girlfriend, § 87(2)(b) provided a telephone statement to the CCRB (**Board Review 13**). § 87(2)(b)'s testimony was largely consistent with that of § 87(2)(b) and § 87(2)(b) although she further noted that § 87(2)(b) broke a glass vessel prior to the officers' arrival and that there was broken glass on the floor of the apartment.

PO Cruz (**Board Review 14**), PO Germosen (**Board Review 15**), PO Kryeziu (**Board Review 16**), and PO Poliard (**Board Review 17**) consistently testified that, upon entering the apartment, they observed that § 87(2)(b) had disturbed and broken items inside the apartment and that § 87(2)(b) appeared to be intoxicated and irate. All four officers further testified that they assessed that § 87(2)(b) appeared to pose a threat of harm to himself or others, prompting them to handcuff him, although they did not know which officer first made the decision to handcuff § 87(2)(b). § 87(2)(b) resisted being handcuffed by tensing his arms at the front of his body. While the officers were handcuffing § 87(2)(b) the other civilians in the apartment became upset and yelled at the officers. The officers escorted § 87(2)(b) out of the apartment because it was an unfamiliar location and because the other civilians were upset, rendering the apartment unsafe.

PO Kryeziu prepared an AIDED report noting that § 87(2)(b) was “highly intoxicated” and “acting violent [*sic*]” (**Board Review 28**).

The BWC footage of the incident, including that of PO Germosen (**Board Review 01**), is largely consistent with the civilian and officer testimonies. At 02:10, the footage captures § 87(2)(b) and § 87(2)(b) grappling and shoving one another, prompting PO Germosen to comment that § 87(2)(b) attempted to strike § 87(2)(b).

The 911 call audio (**Board Review 18**) and dispatcher audio (**Board Review 19**) confirm that § 87(2)(b) told the operator that § 87(2)(b) was “going crazy,” and that the dispatcher relayed this information to the responding officers.

NYPD Patrol Guide Procedure 221-13 (**Board Review 20**) states that officers should use the reasonable force necessary to gain control or custody of an emotionally disturbed person who is conducting himself in a manner likely to result in a serious injury to himself or others.

§ 87(2)(g)

[REDACTED]

Allegation (D) Abuse of Authority: At § 87(2)(b) in the Bronx, Police Officer Romeo Poliard forcibly removed § 87(2)(b) to the hospital.

Allegation (E) Abuse of Authority: At § 87(2)(b) in the Bronx, Police Officer Jean Germosen forcibly removed § 87(2)(b) to the hospital.

It is undisputed that, after officers escorted § 87(2)(b) out of the apartment and lodged him in a police vehicle, § 87(2)(b) and other civilians approached the vehicle. It is also undisputed that an ambulance was routed to the incident immediately in response to § 87(2)(b)'s 911 call, that the officers lodged § 87(2)(b) in the police vehicle approximately 12 minutes after that call, and that they waited for the ambulance to arrive for approximately nine more minutes before they decided to transport § 87(2)(b) to § 87(2)(b) themselves. It is further undisputed that a supervisory officer never responded to the scene.

§ 87(2)(b) testified that, while § 87(2)(b) was waiting inside the police vehicle, she stood in the

street and verbally berated the officers, prompting PO Cruz to state that § 87(2)(b) was “disorderly.” Approximately ten bystanders gathered to watch the scene. § 87(2)(b) stated that the officers should transport § 87(2)(b) to the hospital themselves as she was embarrassed by him being held on the street in this manner. § 87(2)(b) testified that he recalled officers speaking to his relatives outside the police vehicle, but he could not provide any other information about this portion of the incident.

PO Germosen testified that, while § 87(2)(b) was inside the police vehicle, he used his head or hands to bang on the inside of the vehicle. PO Germosen further testified that the officers repeatedly attempted to obtain the estimated arrival time for the ambulance but were not able to obtain an accurate arrival time. PO Germosen decided to transport § 87(2)(b) to the hospital himself because § 87(2)(b) was agitated and appeared to need medical attention, and because the bystanders were causing “chaos” on the scene by yelling and arguing with officers.

PO Poliard testified that § 87(2)(b) was cursing and moving around inside the police vehicle, although he did not specifically recall § 87(2)(b) banging on any surfaces. PO Poliard further testified that civilians approached the vehicle and were directed to move to the sidewalk. PO Poliard assessed that the situation was unsafe because crowds often form when a civilian is handcuffed, bystanders sometimes attempt to open the doors of police vehicles to release prisoners, and prisoners sometimes headbutt the windows of police vehicles in an attempt to escape.

The BWC footage of the incident, including that of PO Kryeziu (**Board Review 06**, beginning at 04:35), § 87(2)(g) shows that § 87(2)(b) and other relatives of § 87(2)(b) approached the police vehicle and spoke to officers on scene, and a few other bystanders watched the scene from across the street. All of the bystanders were generally calm, and besides speaking to the officers, they did not otherwise involve themselves in the situation. The footage confirms, at 13:00, that § 87(2)(b) was knocking on the window of the vehicle. The footage further indicates that officers were informed via radio that an ambulance was en route and received an estimated time of arrival, but this time passed without the ambulance arriving.

NYPD Patrol Guide Procedure 221-13 (Board Review 20) states that an emotionally disturbed person should be removed to a hospital in an ambulance. If an ambulance is not available, officers may only transport an emotionally disturbed person themselves at the direction of a supervisor.

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

Allegation (F) Discourtesy: At § 87(2)(b) in the Bronx, Police Officer Paul Cruz spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that, while she was standing outside the police vehicle, PO Cruz repeatedly said to her, “Get the fuck on the sidewalk.” § 87(2)(b) stated that PO Cruz always used the word “fuck” while ordering her to move to the sidewalk.

PO Cruz testified that he did not recall whether he directed § 87(2)(b) to move to the sidewalk, and he did not believe that he said, “Get the fuck on the sidewalk.”

PO Cruz’s BWC footage (**Board Review 05**, beginning at 05:50) captures the entirety of this portion of the incident. The footage captures PO Cruz directing § 87(2)(b) to stand on the sidewalk rather than on the street. At no point does PO Cruz say, “Get the fuck on the sidewalk,” nor does he ever use any other profanity.

§ 87(2)(g)

Allegation (G) Force: At § 87(2)(b) in the Bronx, Police Officer Paul Cruz used physical force against § 87(2)(b)

Allegation (H) Force: At § 87(2)(b) in the Bronx, Police Officer Romeo Poliard used physical force against § 87(2)(b)

Allegation (I) Force: At § 87(2)(b) in the Bronx, Police Officer Jean Germosen used physical force against § 87(2)(b)

Allegation (J) Force: At § 87(2)(b) in the Bronx, Police Officer Minator Kryeziu used physical force against § 87(2)(b)

It is undisputed that § 87(2)(b) fell to the floor and sustained an injury while interacting with officers at § 87(2)(b) but the cause of his fall remains in dispute.

§ 87(2)(b) testified that, approximately five minutes after PO Cruz, PO Germosen, PO Kryeziu, and PO Poliard escorted him into § 87(2)(b) he was standing calmly and not speaking to the officers. An officer said, “Get his legs,” and two officers pulled § 87(2)(b)’s ankles up off the ground while two other officers held § 87(2)(b)’s shoulders, such that the officers were holding § 87(2)(b) suspended facedown above the ground. § 87(2)(b) remained in this position for approximately ten seconds before the officers dropped him, causing § 87(2)(b) to strike his face on the floor. § 87(2)(b)’s face bled as a result. § 87(2)(b) provided a photograph to the CCRB, taken while he was still in the hospital, showing injuries to his face following the incident (**Board Review 21**). In the photo, § 87(2)(b) has blood on his lower lip, and a bloody wound on his right eyebrow.

§ 87(2)(b)’s medical records from the hospital indicate that he had already sustained the facial injury by the time he was first examined (see Privileged Records). He was “acutely agitated,” “upset,” and required “frequent re-direction.” The records contain no information regarding whether he was intoxicated. The records also contain no information to indicate that § 87(2)(b) sustained his injuries at the hospital; the only information regarding how he sustained the injury was: “By the time the police showed up, his mom changed her mind and did not want them to be there, but they slammed § 87(2)(b) down on the floor and he sustained a laceration just above his [right] eyebrow. He does not remember all the events.” § 87(2)(b) was found to have a laceration on his right eyebrow and a small laceration to his bottom lip. The eyebrow laceration was closed with glue and Steri-Strips.

As will be detailed below, § 87(2)(b) was alone with the officers and behind a curtain in a patient

room at the time of the alleged use of force, so there were no potential civilian witnesses at the hospital.

All four officers denied that they lifted and dropped § 87(2)(b) as he alleged. PO Kryeziu testified that he was standing behind and holding § 87(2)(b) who was standing handcuffed in an examination room. § 87(2)(b) moved his arms and maneuvered his right elbow upwards and struck PO Kryeziu in the face. At the same time, § 87(2)(b) leaned forward, causing himself to fall to the ground. PO Cruz similarly testified that § 87(2)(b) moved his shoulders and torso and struck his elbow or upper arm against PO Kryeziu's face before leaning forward, causing himself to fall to the ground. PO Germosen testified that § 87(2)(b) was unsteady on his feet, pulled away from the officers, and swung his head towards a cabinet, risking striking his forehead. PO Kryeziu was standing behind and holding § 87(2)(b) in the examination room, and § 87(2)(b) went limp, causing both himself and PO Kryeziu to fall to the floor. PO Poliard testified that, as the officers were escorting § 87(2)(b) into the hospital, § 87(2)(b) repeatedly dropped his weight and swung his head towards a cabinet, risking striking his forehead. PO Poliard did not witness § 87(2)(b) fall to the ground, but he heard § 87(2)(b) strike the floor and turned to see § 87(2)(b) lying on the floor and PO Kryeziu standing above him.

PO Kryeziu's AIDED report for § 87(2)(b) states: § 87(2)(b) sustained minor abrasion to right eye from throwing self onto ground in ER trauma room of § 87(2)(b) (Board Review 21). PO Kryeziu also wrote in his memo book: § 87(2)(b) strikes me with right elbow causing contusion. § 87(2)(b) throws self onto ground causing cut to face" (Board Review 29). PO Cruz made an entry indicating that § 87(2)(b) was "flailing/constantly trying to throw himself," and "partner sustained abrasion to forehead while inside trauma room" (Board Review 31). PO Germosen's memo book simply noted that § 87(2)(b) "continued being unruly" at the hospital, that he notified his sergeant, and that his sergeant advised him to prepare a TRI report (Board Review 30).

PO Kryeziu and PO Germosen also prepared TRI reports documenting this portion of the incident (Board Review 22). The reports note that § 87(2)(b) struck PO Kryeziu with his elbow causing bruising, that the officers did not use any force against § 87(2)(b) and that § 87(2)(b) sustained "self-inflicted" minor abrasions. The reports include a photo of PO Kryeziu's apparently scraped or bruised forehead, and a photo of the bloody injury on § 87(2)(b)'s eyebrow.

The BWC footage did not capture this specific portion of the incident. PO Germosen's footage captured the officers escorting § 87(2)(b) into the hospital and into an individual patient room (Board Review 01, beginning at approximately 22:30). § 87(2)(b) argued with the officers throughout. At approximately 23:49, § 87(2)(b)'s head almost struck the doorframe of the patient room, and PO Germosen redirected his head and said, "Watch your head. You're gonna hit your head." § 87(2)(b) retorted, "You gonna hit my head on purpose," and PO Germosen replied, "No." The officers drew closed a curtain separating the patient room from public view. The officers then suddenly realized they were inside a medical facility and said "HIPAA" to each other (in reference to the health privacy law). PO Germosen then deactivated his BWC, which is required by the Patrol Guide when officers are inside medical facilities. PO Kryeziu's BWC footage also captured the officers escorting § 87(2)(b) into the hospital (Board Review 09, beginning at approximately 00:30). PO Kryeziu similarly deactivated his BWC once he realized he was inside a medical facility.

PO Cruz deactivated his BWC after leaving the scene of the incident, and PO Poliard deactivated his BWC just before entering the hospital (in keeping with the Patrol Guide mandate).

The investigation confirmed with the § 87(2)(b) Risk Management department that the hospital did not have any CCTV cameras in patient care areas. The patient room shown in the BWC footage does not appear to have any CCTV cameras.

§ 87(2)(g)

§ 87(2)(g)

Allegation (K) Abuse of Authority: At the 41st Precinct stationhouse, Sergeant Avlon Beazer did not process § 87(2)(b)'s complaint regarding officers.

§ 87(2)(b) testified that she and her daughter, § 87(2)(b) entered the 41st Precinct stationhouse to complain about the incident after learning that § 87(2)(b) had sustained injuries at the hospital. § 87(2)(b) repeatedly told Sgt. Beazer that she was there to “make a complaint” about the officers who had “abused” § 87(2)(b) and specifically that they had taken him to § 87(2)(b) and had dropped him on his face. Sgt. Beazer stated that § 87(2)(b) had fallen and had scratched and spat on officers. Sgt. Beazer stated that § 87(2)(b) could not file a complaint about the matter, saying, “We can’t do it. There’s nothing we can help you with here.” § 87(2)(b) left the stationhouse.

The investigation was unable to obtain a statement from § 87(2)(b)

Sgt. Beazer testified (**Board Review 23**) that § 87(2)(b) approached him and asked why § 87(2)(b) had been handcuffed and hospitalized. § 87(2)(b) further stated that officers had been “rough” with § 87(2)(b) but Sgt. Beazer did not recall her being any more specific. Sgt. Beazer denied that § 87(2)(b) said anything else during the conversation, and he specifically denied her stating that she wished to file a complaint or otherwise explaining her purpose in coming to the stationhouse. Sgt. Beazer volunteered to § 87(2)(b) that, if she wished, she could file a complaint about the officers, and specified that she could prepare a form at the stationhouse or call 311 or the CCRB. Sgt. Beazer denied ever telling § 87(2)(b) that she could not file a complaint about the incident.

The CCTV footage of this incident (**Board Review 10**, beginning at approximately 04:55) merely shows § 87(2)(b) and Sgt. Beazer speaking to each other for approximately five minutes in the stationhouse lobby. The footage lacks audio. They gesture animatedly during the conversation, and eventually § 87(2)(b) walks away as Sgt. Beazer continues trying to speak to her.

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been party (**Board Review 24**).
- This is the first CCRB complaint to which § 87(2)(b) has been party (**Board Review 25**).
- PO Cruz has been a member of service for three years and has been a subject in two CCRB complaints and five allegations, none of which was substantiated. § 87(2)(g)
- PO Germosen has been a member of service for four years and has been a subject in two CCRB complaints and 18 allegations, none of which was substantiated. § 87(2)(g)
- PO Kryeziu has been a member of service for four years and has been a subject in six CCRB complaints and 20 allegations, none of which was substantiated. § 87(2)(g)
- PO Poliard has been a member of service for four years and has been a subject in three CCRB complaints and eight allegations, none of which was substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming false arrest and imprisonment and assault and battery and seeking \$1,000,000 as redress (**Board Review 26**). A 50H hearing was held on § 87(2)(b). The investigation made multiple attempts to obtain a transcript of the hearing from § 87(2)(b)'s attorney, but his attorney did not respond to contact attempts.
- § 87(2)(b) (Board Review 27).
- According to the NYPD's Booking, Arraignment, and Disposition System, § 87(2)(b) has no history of arrests in NYC.

Squad No.: 5

Investigator:	<u>DG</u>	<u>IM Giansante for SI Phillips</u>	<u>July 8, 2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Daniel Giansante</u>	<u>IM Daniel Giansante</u>	<u>July 8, 2021</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date